Remarks

In the Office Action mailed March 21, 2005:

1.   Claims 1-18 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,892,915 (Duso).

I .   <u>Duso (U.S. Patent No. 5,892,915)</u>

Duso is directed to a video file server and an interface for providing the video server with open network connectivity (column 1, lines 29-32). Duso cannot and does not anticipate all aspects of Applicants' invention.

A.   Duso Does Not Teach Streaming a Media Track to Multiple Clients while Using only a Single Copy of the Media Track's Metadata

Duso focuses on streaming media from a video server and editing a play-list of video to be streamed (Summary).

Claimed embodiments of the present invention are directed to serving a media track to multiple clients, using only a single copy of the track's metadata. Every independent claim (claims 1, 5, 11, 12, 13) contains elements reflecting this focus. Duso does not even suggest how to process a media track's metadata.

Applicants have searched the entire text of Duso, and the only references to metadata that were found are located at column 2, lines 15-24, and column 10, lines 54-63. The subject matter of these two paragraphs is identical, and simply indicates that metadata is stored in an inode area of a CMFS (Continuous Media File System) volume set. There is <u>no</u> mention of how to use a media track's metadata to serve the media to multiple clients.

The claims of the present application were rejected in a very perfunctory manner. For example, the 10 separate elements of dependent claims 6-10 were rejected on the basis of one flowchart (Fig. 7) and a line of Duso that contains only two words (column 24, line 35). It is therefore impossible to determine exactly what parts of Duso the Examiner is basing the rejections upon. Among the cited portions of Duso are descriptions of:

        -- storing metadata in an inode area of a CMFS volume set (column 2, lines 15-25);

        -- manipulating a dynamic play-list (column 2, line 47 to column 3, line 13);

        -- the physical configuration of a video file server (column 5, lines 15-28);

        -- a video file server connections to a network (column 6, lines 1-60); and

-- serving data to multiple clients (Fig. 13 and column 20, line 41 to column 21, line 3). However, there was <u>no</u> description or suggestion of serving a media track to multiple clients using one copy of the track's metadata.

Even in the description of serving data to multiple clients, there is no mention of using or how to use the media data's metadata. In fact, it is stated that "the same data previously fetched for the first network client is fetched from the cache 41 and transferred to a buffer 92 in RAM of a <u>second</u> one of the stream servers ... and transmitted to a second network client" (column 20, lines 43-47; emphasis added). This indicates that <u>multiple copies</u> are presumably made of the data and the metadata, and therefore *teaches away from Applicants' invention.*

II.   Selected Claims

A.   Claims 1-4 and 11

Claims 1 and 11 recite the following:

> streaming the media to the first client in a first stream while referring to said stored metadata; and
> streaming the media to a second client in a second stream while referring to said stored metadata.

As described above in Section I.A, Duso makes no mention of how to use media data's metadata to assist streaming of the media data to multiple clients. The perfunctory rejection of these elements of claims 1and 11 seems to indicate that the Examiner was unable to find a portion of Duso that specifically teaches this subject matter. Thus, Duso cannot anticipate claims 1-4 and 11.

Applicants request claims 1-4 and 11 be allowed, or the portion(s) of Duso that is/are believed to anticipate the indicated elements be identified with greater clarity.

B.   Claims 5-8

Claim 5 recites the following:

> invoking a track module configured to maintain one copy of said metadata in a memory;
> operating a first track handler to stream the media to the first client, wherein said first track handler accesses said metadata to facilitate said streaming;
> receiving a request to stream the media to a second client before said streaming of

the media to the first client is terminated; and

operating a second track handler to stream the media to the second client, wherein said second track handler accesses said metadata to facilitate said streaming ....

The embodiment of the invention reflected in claim 5 employs a single copy of a media track's metadata to stream the media track to multiple clients. As described above in Section I.A, Duso makes no mention of how to use media data's metadata to assist streaming of the media data to multiple clients. The perfunctory rejection of these elements of claim 5 seems to indicate that the Examiner was unable to find a portion of Duso that specifically teaches this subject matter. Thus, Duso cannot anticipate claims 5-10.

Claims 7-9 make it clearer that, in this embodiment of the invention, two different track handler modules stream the media to two different clients while simultaneously using separate references to a single copy of the media's metadata.

Applicants request claims 5-10 be allowed or the portion(s) of Duso that is/are believed to anticipate the indicated elements be identified with greater clarity.

C.   Claims 13-18

Claims 13-18 are directed to an apparatus for streaming media, but were characterized and rejected "with same limitations are rejected for the reasons given in the scope of claims 1-5 as discussed above ... " (office action, page 6).

However, claim 13 specifically recites "a set of track handle modules" and "a track module configured to stored said metadata." These elements were not addressed in the perfunctory rejections of claims 1-5 or 13-18. This apparently indicates that the Examiner was unable to find a portion of Duso that specifically teaches this subject matter. Thus, Duso cannot anticipate claims 13-18.

Applicants request claims 13-18 be allowed or the portion(s) of Duso that is/are believed to anticipate the indicated elements be identified with greater precision.
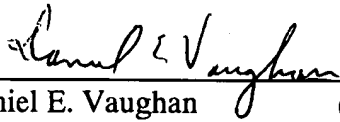

CONCLUSION

No new matter has been added with the preceding amendments. It is submitted that the application is in suitable condition for allowance. Such action is respectfully requested. If prosecution of this application may be facilitated through a telephone interview, the Examiner is

invited to contact Applicant's attorney identified below.

Respectfully submitted,

Date: <u>May 23, 2005</u>   By: _____ 42,199

                                          Daniel E. Vaughan   (Registration No.)

Park, Vaughan & Fleming LLP
702 Marshall Street, Suite 310
Redwood City, CA 94063
(650) 474-1973: voice
(650) 474-1976: facsimile